

authentication, depending on the respective communication function to be carried out and according to a selection of a user of the communication device.

When establishing the importance level judged in the second step, the communication device selects a specific fingerprint authentication method and/or a PIN-based authentication method.

After a respective user input (fingerprint(s) and/or PIN-data) has been received by the communication device, the user is authenticated and a respective communication function is executed.

Thus, Miyashita teaches that different quality user authentication methods may be used, depending on the level of security required, but entirely fails to disclose, teach or suggest the claimed step of “*creating authentication quality information about said authentication method used*”, and does not disclose, teach or suggest “*attaching [the] authentication quality information to the result of the security-establishing operation*”.

Thus, Miyashita is missing at least two essential steps in the claimed method of claim 1 and therefore cannot legally establish anticipation of claim 1.

A close reading of Miyashita reveals that, once the user is authenticated, the selected communication function (e.g. an e-commerce application), is executed. The respective communication partner (mail order firm, etc.) has no way of detecting by what kind of authentication method the user has been authenticated since no authentication quality information has been created at the cell phone user level and consequently, no authentication quality information could be attached to the data received from the communication device.

The present invention, on the contrary, specifically includes the quality information about the authentication method so that the recipient of the message can clearly recognize how a user has authenticated himself before effecting the respective communication function (see page 8, lines 14-27 of the specification). Thus, the respective communication method according to the invention defines the security level of the communication process.

Neither the method steps recited in claim 1 nor the functions resulting from the method steps are described in Miyashita, thereby rendering this document inadequate to establish lack of novelty of the subject matter of claim 1. Accordingly, withdrawal of the rejection of claim 1 under 35 USC §102(e) is warranted and the same is respectfully requested.

Claims 3-9 are dependent from claim 1 and are patentable at least on the basis of the patentability of claim 1 for the reasons set forth above with regard to the patentability of

claim 1. In addition, the claims recite subject matter that is clearly not disclosed or taught in Miyashita, whereby the claims are patentable over Miyashita in their own right.

Claim 10 is patentable for the same reasons as set forth above with regard to claim 1 and withdrawal of the rejection of claim 10 should be withdrawn for the reasons given above.

Claims 12-14 are patentable at least on the basis of the patentability of claim 10 and further on the basis of the features recited therein.

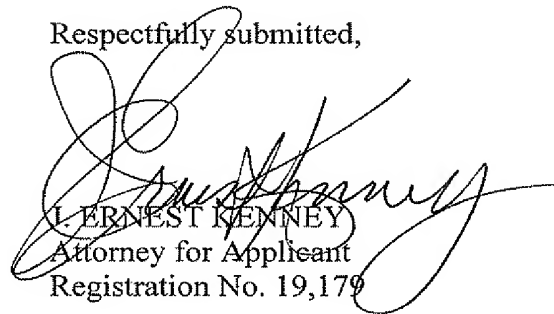
Claim Rejections – 35 USC §103

Applicant submits that the rejections of claims 2 and 11 should be withdrawn for the same reasons as given above with regard to the remaining claims, in particular claims 1 and 10, and the same is respectfully requested. As noted above, the basic reference Miyashita is missing critical elements recited in claims 1 and 10 that are not found in Barlow or other prior art of record in this application. The combination of teachings of the cited references fails to establish obviousness of the subject matter recited in claims 1 and 10 due to the missing elements.

Applicant submits that the application has been placed fully in condition for allowance and that its passage to issue is appropriate.

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